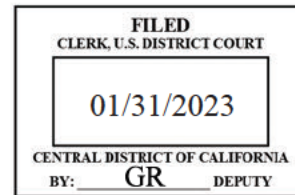


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Note: The clerk must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local rule or practice. *Fed. R. Civ. P. 5(d)(4)*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CLINTON BROWN,
Plaintiff,

vs.

CLARK R. TAYLOR, AICP, THE
LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL
PLANNING,
Defendant.

CASE NO. 2:22-cv-09203-MEMF-KS

Application for Default Judgment

Part I Requirement

Judge: Honorable Maame Ewusi-
Mensah Frimpong

Magistrate Judge: Karen L.
Stevenson

Action Filed: 12/17/2022

Action Due: 01/12/2023

APPLICATION FOR DEFAULT JUDGMENT PART I REQUIREMENT

NOTICE TO THE COURT, it is procedurally improper for the Clerk to issue a notice of deficiency in the matter at bar,¹ and as such, a request for entry of default is respectfully submitted to this Court for consideration, prior to the application for default judgment part II requirements. *Fed. R. Civ. P. 55(d)*.

As mandated by Fed. R. Civ. P. 55(a) the Court *received* a request to file an

¹ See Docket #7, Brown v. Taylor, 2:22-cv-09203, Doc.#7 citing Garrett v. Seymour, 10th Circuit (2007), Clerk's entry of default is "*prerequisite for the entry of a default judgment...*" (Emphasis added).

entry of default on Friday, January 13, 2023, at 9:56 P.M. (EDS-230113-000-6534) *after* Defendant failed to respond to this Court’s summons. *Fed. R. Civ. P. 71.1* (Emphasis added). This Court *filed* document (EDS-230113-000-6534) on January 17, 2023, at 12:21 P.M. and stated that the document has been “*forwarded to chambers for review*” (Emphasis added). On January 23, 2023, at 12:28 P.M. the Clerk *entered* Docket No. 7. (Emphasis added). At 12:43 P.M., *fifteen minutes later*, Plaintiff received the following from this Court:(Emphasis added).

“NOTICE OF DEFICIENCY Re: REQUEST for Clerk to Enter Default against Defendant Clark R. Taylor[7]. The Clerk cannot enter the requested relief as: No declaration as required by F.R.Civ.P 55(a). *The Request to Proceed In Forma Pauperis (Docket No. 2) has not yet been ruled on, therefore, no Summons has been issued for service.* (Emphasis added).

28 U.S.C.S. 1915(a)1, states an individual may file for in forma pauperis (IFP), allowing them to commence a lawsuit without paying fees or security. 28 U.S.C.S. 1915(d) requires that a Court “*issue and serve all process, and perform all duties...and the same remedies shall be available as are provided for by law in other cases.*” (Emphases added).

If a Plaintiff has been authorized to proceed in IFP, the Plaintiff is entitled by Federal Law, if requested to the Court, the service of a summons by a Federal Marshal. *Fed. R. Civ. P 4(c)(3)*. The summons in this case has been correctly served and acknowledged.² (Note: On 01/24/2023 the IFP was denied by the Court and Plaintiff reserves the right under 28 U.S.C.S. 1915(a)3 to appeal.)

² Exhibit A, An email from process server on 12/22/2022 to Defendant and Defendant(s) response on 01/03/2023. See Docket #4, #5, and #6 for proof of service.

ENTRY OF DEFAULT

It is established that the government, like any other defendant, has a duty to respond to lawsuits brought against them by citizens³ Failure to respond to a summons may result in a default judgment in accordance with the Federal Rules of Civil Procedure.

THEREFORE, Plaintiff respectfully requests the notice of deficiency be stricken from the record, and the request for entry of default be entered against the Defendant.

“I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Clinton Brown

1/24/2022

³ 1 Stat. 73 (1789) (codified as amended at 28 U.S.C. §§ 1-902 (2012))